

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

IN RE:	)	Chapter 13
	)	
MARIA EUGENIA GIRALDO,	)	Case No. 10-37331-KRH
CARLOS GUILLERMO GUEVARA,	)	
	)	
<u>Debtors.</u>	)	
	)	
WELLS FARGO FINANCIAL SYSTEM VIRGINIA, INC.,	)	
SUCCESSOR BY MERGER TO WELLS FARGO	)	
FINANCIAL ACCEPTANCE SYSTEM VIRGINIA, INC.,	)	
	)	
Movant,	)	
	)	
v.	)	
	)	
MARIA EUGENIA GIRALDO,	)	
CARLOS GUILLERMO GUEVARA	)	
MARIA GUEVARA and	)	
CARL M. BATES, TRUSTEE,	)	
	)	
<u>Respondents.</u>	)	

MOTION FOR RELIEF FROM CO-DEBTOR STAY PURSUANT TO 11 U.S.C. §1301 (c) (2)  
AND NOTICE OF MOTION AND HEARING

Wells Fargo Financial System Virginia, Inc., successor by merger to Wells Fargo Financial Acceptance System Virginia, Inc., ("Wells Fargo" or "Movant"), by counsel, respectfully moves this Court to grant it relief from the Co-Debtor stay pursuant to the provisions of 11 U.S.C. § 1301 (c) (2) as such stay pertains to Maria Guevara and for its reasons states as follows:

JURISDICTION

1. On October 21, 2010, Maria Giraldo and Carlos Guevara ("Debtors") filed in the United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division, a petition

Andrew S. Goldstein  
Virginia State Bar No. 28421  
Magee, Goldstein, Lasky & Sayers, P.C.  
P.O. Box 404  
Roanoke, VA 24003-0404  
(540) 343-9800  
Counsel for Wells Fargo Financial System Virginia, Inc.,  
successor by merger to Wells Fargo Financial Acceptance Virginia, Inc.

for relief under Chapter 13, Title 11, United States Code, Case No. 10-37331-KRH (“Petition”).

2. This is a motion pursuant to 11 U.S.C. § 1301 (c) (2) seeking relief from the Co-Debtor stay.

3. The Court possesses subject matter jurisdiction over this proceeding pursuant to 28 U.S.C. § 157 and 28 U.S.C. § 1334.

CLAIM FOR RELIEF

4. The Debtor is a co-signer on a Retail Installment Contract and Security Agreement dated August 16, 2006, secured by a lien on a 2006 Chevrolet G1500 Van VIN 1GNFG15X061269644 (the “Collateral”). A copy of the Security Agreement is attached hereto as Movant's Exhibit A.

5. Maria Guevara is not a Debtor in this case.

6. The outstanding balance under the contract at the time of this filing is \$9,677.36.

7. Wells Fargo is entitled to relief from the Co-Debtor stay pursuant to 11 U.S.C. § 1301(c) (2).

WHEREFORE, Wells Fargo Financial System Virginia, Inc., successor by merger to Wells Fargo Financial Acceptance System Virginia, Inc., by counsel, respectfully moves for relief from the Co-Debtor stay of 11 U.S.C. § 1301 to pursue Maria Guevara, Non-Debtor, for its claim.

\*\*NOTICE OF MOTION \*\*

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not wish the Court to grant the relief sought in this motion, or if you want the Court to consider your views on the motion, then within twenty-one (21) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: **Clerk of Court, United States Bankruptcy Court, 701 East Broad Street, Suite 4000, Richmond, VA 23219**, and serve a copy on the movant's attorney at the address shown below. Unless a written response is filed and served within this twenty-one day period, the Court may deem opposition waived, treat the motion as conceded, and issue an order granting the requested relief.

If you mail your response to the Court for filing, you must mail it early enough so that the Court will receive it on or before the expiration of the twenty-one day period.

Date: April 7, 2011

Respectfully submitted,  
WELLS FARGO FINANCIAL SYSTEM VIRGINIA, INC.,  
SUCCESSOR BY MERGER TO WELLS FARGO  
FINANCIAL ACCEPTANCE SYSTEM VIRGINIA, INC.,

By: /s/ Andrew S. Goldstein  
Andrew S. Goldstein, Esq.  
Virginia State Bar No. 28421  
Magee, Goldstein, Lasky & Sayers, P.C.  
P.O. Box 404  
Roanoke, Virginia 24003-0404  
(540) 343-9800

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of April 2011, a copy of this Motion for Relief from Co-Debtor Stay and Notice of Motion and Hearing was served by first class mail, postage pre-paid, upon each party required to receive notice under Local Bankruptcy Rule 4001(a)-1(E) as follows:

Maria Eugenia Giraldo  
Carlos G. Guevara  
Maria Guevara  
2113 Pemberton Road  
Henrico, VA 23238

Linda D. Jennings, Esq.  
P.O. Box 5928  
Glen Allen, VA 23858  
Counsel for Debtors

Carl M. Bates  
Chapter 13 Trustee  
P.O. Box 1819  
Richmond, VA 23218

/s/ Andrew S. Goldstein  
Andrew S. Goldstein, Esquire